

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HARRIS CORPORATION,)	
)	
Plaintiff,)	
)	No. 2:18-cv-00439-JRG (LEAD CASE)
v.)	
)	
HUAWEI DEVICE USA, INC.)	
HUAWEI DEVICE CO., LTD.,)	
HUAWEI TECHNOLOGIES USA INC.,)	Jury Trial Demanded
HUAWEI TECHNOLOGIES CO. LTD., AND)	
HUAWEI DEVICE (SHENZHEN) CO., LTD.,)	
)	
Defendants.)	

HUAWEI DEVICE USA, INC.)	
HUAWEI DEVICE CO., LTD.,)	
HUAWEI TECHNOLOGIES USA INC.,)	
HUAWEI TECHNOLOGIES CO. LTD., AND)	No. 2:19-cv-00222-JRG
HUAWEI DEVICE (SHENZHEN) CO., LTD.,)	
)	
Plaintiffs,)	
)	Jury Trial Demanded
v.)	
)	
HARRIS CORPORATION,)	
)	
Defendant.)	

P. R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3 and this Court’s Docket Control Order (No. 2:18-cv-439-JRG, D.I. 55; No. 2:19-cv-222-JRG, D.I. 3), Harris Corporation (Plaintiff in 2:18-cv-439-JRG; Defendant in 2:19-cv-222) (“Harris”) and Huawei Device USA, Inc., Huawei Device Co. Ltd., Huawei Technologies USA, Inc., Huawei Technologies Co. Ltd., and Huawei Device (Shenzhen) Co., Ltd., (Defendants in 2:18-cv-439-JRG; Plaintiffs in 2:19-cv-222) (collectively,

“Huawei”) submit this Joint Claim Construction and Prehearing Statement for U.S. Patent Nos. 6,535,227 (“the ’227 patent”), 6,958,986 (“the ’986 patent”), 6,980,537 (“the ’537 patent”), 7,027,426 (“the ’426 patent”), 7,224,678 (“the ’678 patent”), 7,327,690 (“the ’690 patent”), 7,440,572 (“the ’572 patent”), RE44,325 (“the RE’325 patent”), 8,416,892 (“the ’892 patent”), 8,798,575 (“the ’575 patent”), 9,838,851 (“the ’851 patent”), 10,117,226 (“the ’226 patent”), (collectively, “the Asserted Patents”).

I. P. R. 4-3(A)(1): TERMS ON WHICH THE PARTIES AGREE

The parties agree to the identified constructions for the following terms:

A. U.S. Patent No. 6,535,227

Term	Agreed Construction
Preambles (claims 1, 5, 9, 17, 24)	The preambles are limitations.
“determining the security posture” (claims 1, 5, 9, 17, 24)	“determining an indication of network vulnerabilities that correspond to secrecy, integrity or availability”
“security posture” (claims 1, 5, 9, 17, 24)	“an indication of network vulnerabilities that correspond to secrecy, integrity or availability”
“vulnerability” (claims 1, 5, 8, 9, 15, 17, 22, 24)	“any situation that could cause harm or loss of secrecy, integrity or availability”
“vulnerability posture” (claims 5, 9, 17)	“an indication of network vulnerabilities that correspond to secrecy, integrity or availability”
“disparate network vulnerability analysis programs” (claims 1, 5, 9, 17)	“at least two disparate network vulnerability analysis programs”

B. U.S. Patent No. 6,980,537

Term	Agreed Construction
Preambles (claims 1, 16, 30, 33, 36, 45, 54, 59, 64)	The preambles are limitations.

C. U.S. Patent No. 7,027,426

Term	Agreed Construction
“electrically separate channels” (claims 1, 8, 18)	“channels separated electrically by different frequencies, or by time slots or codes (<i>e.g.</i> , TDMA or CDMA)”

D. U.S. Patent No. 7,440,572

Term	Agreed Construction
“encrypting bits” (claim 1)	“bits generated for use in cryptography (such as a cryptographic key, initialization vector, or nonce)”

E. U.S. Patent No. RE44,325

Term	Agreed Construction
“capacitive impedance” (claims 42, 48, 51, 59)	“capacitance”
“resistive impedance” (claims 42, 49, 52, 60)	“resistance”

F. U.S. Patent No. 8,798,575

Term	Agreed Construction
“the credit information” (claims 3, 17)	“credit information”
“the collected charging data information of the UE”	“collected charging data information of the UE”

(claim 19)	
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G. U.S. Patent No. 9,838,851

Term	Agreed Construction
<p>“second MBMS data packets are to be scheduled by the eNB before the eNB schedules a service of the consecutive MBMS data packets” / “second MBMS data packets are to be scheduled before the device schedules a service of the consecutive MBMS data packets”</p> <p>(claims 3, 7)</p>	<p>“second MBMS data packets are to be scheduled by the eNB with an earlier time of transmission than a service of the consecutive MBMS data packets” / “second MBMS data packets are to be scheduled by the device with an earlier time of transmission than a service of the consecutive MBMS data packets”</p>
<p>“the remaining subframes comprise subframes being after the other subframes in the DSP” / “the remaining subframes comprise subframes after the other subframes in the DSP”</p> <p>(claims 4, 8)</p>	<p>“the remaining subframes with a later time of transmission than the other subframes in the DSP”</p>

H. U.S. Patent No. 10,117,226

Term	Agreed Construction
“for the MCE to determine the base station to send the multimedia broadcast multicast service data” / “for the MCE to determine the base station to resume sending the multimedia broadcast multicast service data” / “to determine the base station to send the multimedia broadcast multicast service data” (claims 5, 10, 15)	“by the MCE to determine the base station is to send multimedia broadcast multicast service data” / “by the MCE to determine the base station is to resume sending multimedia broadcast multicast service data” / “to determine the base station is to send multimedia broadcast multicast service data”

II. P. R. 4-3(A)(2): TERMS WITH DISPUTED CONSTRUCTIONS

Exhibits A and B, attached hereto, identify the disputed claim terms and the parties’ proposed constructions thereof.

Exhibit A provides Harris’ identification of intrinsic and extrinsic evidence supporting its proposed constructions, as required by P.R. 4-3(a)(2).

Exhibit B provides Huawei’s identification of intrinsic and extrinsic evidence supporting its proposed constructions, as required by P.R. 4-3(a)(2).

The parties reserve the right to rely on the citations identified by either side, including any citations identified in briefing.

III. P. R. 4-3(A)(3): CLAIM CONSTRUCTION HEARING LENGTH

The parties believe that the length of time necessary for the Claim Construction Hearing is four (4) hours, with the time split equally between the parties.

IV. P. R. 4-3(A)(4): CLAIM CONSTRUCTION HEARING WITNESSES

The parties will not present live testimony of witnesses at the Claim Construction Hearing.

V. P. R. 4-3(A)(5): OTHER ISSUES

The parties do not have any other issues that they expect need to be taken up at a prehearing conference prior to the Claim Construction Hearing.

Respectfully submitted,

Dated: August 22, 2019

/s/ Corey Johanningmeier

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Pursuant to Local Rule CV-5(c), all counsel of record were served a true and correct copy of the foregoing document by electronic mail on this the 22 day of August, 2019.

/s/ Teresa Cassidy